

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CIVIL ACTION NO.: 5:98CV92

JAMES R. BARNES, and wife)
DOROTHY G. BARNES, <i>et al.</i>,)
)
This document pertains to:)
CURTIS H. CUTHBERTSON,)
Administrator of the Estate of HOY V.)
CUTHBERTSON, Deceased,)
)
Plaintiffs,)
)
vs.)
)
ACandS, INC., et al., (and D.B. Riley, Inc.))
)
Defendants.)
)

CONSENT ORDER OF DISMISSAL OF DEFENDANT

THIS MATTER is before the Court on motion of the Plaintiff Curtis H. Cuthbertson, Administrator of the Estate of Hoy V. Cuthbertson, Deceased,¹ and Defendant D. B. Riley, Inc, f/k/a Riley Stoker Corporation, by and through counsel, pursuant to Rule 41 (A)(2), Federal Rules of Civil Procedure, for an Order dismissing, without prejudice, all claims against said Defendant.

For cause shown, and it appearing the parties have reach agreement as to the claims presented in this action,

IT IS, THEREFORE, ORDERED that the motion is **ALLOWED**, and the claims of Plaintiff Curtis H. Cuthbertson, Administrator of the Estate of Hoy V. Cuthbertson, Deceased,

¹ The Parties note that this dismissal effectively dismisses D.B. Riley, Inc. for ALL Plaintiffs to this action.

against the Defendant D. B. Riley, Inc, f/k/a Riley Stoker Corporation, are hereby **DISMISSED**
WITHOUT PREJUDICE.

Signed: March 22, 2007



Lacy H. Thornburg
United States District Judge



PREPARED AND SUBMITTED BY:

/s/ Teresa Lazzaroni

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CONSENTED TO BY:

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Defendants.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2007 I electronically filed the foregoing **Consent Order of Dismissal of Defendant** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This 22nd day of March, 2007.

/s/ *Teresa Lazzaroni*

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